

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3.A
Mtg. Date April 5, 2016
Dept. Development Services Department

Item Title: **Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Dave De Vries, Development Services Director
Miranda Evans, Assistant Planner

Recommendation:

- 1) Conduct the public hearing; and
- 2) Introduce Ordinance No. 439 (**Attachment B**).

Item Summary:

At the April 21, 2015 City Council Meeting, the City Council directed staff to prepare a draft beekeeping ordinance. The staff report analyzes the benefits, risks and safety of beekeeping and discusses regulations imposed by other jurisdictions. As a result of the analysis, staff proposes amendments to the City's beekeeping regulations. Amendments include provisions relating to permitting, bee species, registration, firefighting material, and public nuisance requirements. The project is a city initiated project.

The staff report (**Attachment A**) outlines the proposed amendments in detail.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Exempt, Section 15307 and 15308 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. | |

Attachments:

- A. Staff Report
- B. Ordinance No. 439 – (ZA1-600-0001)

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3.A

Mtg. Date April 5, 2016

Item Title: **Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Dave De Vries, Development Services Director
Miranda Evans, Assistant Planner

Background:

During public comment at a City Council meeting in early 2015, several citizens spoke about existing beekeeping activity and their positions regarding that activity. There was a current code enforcement case at the time that has since been closed. A property owner with bee hives asked that the City Council consider allowing the beehives utilizing the current provisions and the neighboring property owner asked that the hives be removed because she has small children. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City.

At the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. Staff noted that there had been approximately six requests in the past decade for beekeeping activities and less than that in code enforcement activities. The records show that there are currently no beekeeping permits issued in the City (a requirement under the City's beekeeping regulations) and no open code enforcement cases related to beekeeping. At the hearing, a total of two citizens spoke in favor of beekeeping, and two residents expressed concerns for beekeeping in their neighborhood. The City Council directed staff to return with a draft beekeeping ordinance.

Staff analyzed beekeeping regulations throughout the County of San Diego. Out of the nineteen local jurisdictions, there are six agencies (including Lemon Grove) that currently include standards for beekeeping activities. The County of San Diego adopted updates to their beekeeping ordinance in November 2015 and city staff waited until the County adopted formal regulations before continuing the analysis for the City's beekeeping ordinance. The outside jurisdictions with beekeeping standards are the County of San Diego, the City of San Diego, the City of La Mesa, the City of Santee and the City of Chula Vista. It is notable that National City prohibits beekeeping by ordinance.

Discussion:

The following discussion provides an overview of the benefits, risks, and safety measures related to beekeeping, an overview of beekeeping ordinances and regulations adopted by nearby jurisdictions as well as recommendations for modifications to existing beekeeping regulations. Beekeeping, or beehives, are commonly referred to as apiaries and can be a commercial business or a backyard hobby. This staff report serves to identify what concerns should be addressed with the keeping of bees in a residential setting.

Benefits

There is a popular belief that bees are critical to a successful ecosystem and to California agriculture. Residents participate in beekeeping as a hobby for several reasons; some of those

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are to provide honey for friends and family as well as feeling that they are contributing to the overall health of the environment. There are many benefits to beekeeping including that:

- Honey bees are responsible for pollinating at least a third of all local food crops;
- Honey bees provide fresh natural honey that can be used to reduce seasonal allergies (on average, a hive can produce approximately 25 pounds of honey a season);
- Honey bees reduce the number of aggressive (Africanized) bees in the vicinity of the docile honeybee hive;
- Honey bees reduce the carbon footprint due to local production;
- Honey bees increase the population of docile honeybees; and
- Honey bees increase number of pollinators.

Risks

The primary risk of beekeeping is a bee sting. Most bees travel about two miles from their hives when searching for food.¹ Everyone is at risk of a bee sting; however, bees typically sting to protect their hive. If you are going to keep bees, there is a higher probability you will get stung. A small percentage of the population is allergic to bee stings (estimates range from two to five percent of the population). A physician can test for bee sting allergies. These allergies can be treated with an EpiPen (contains Epinephrine, also known as adrenalin or adrenaline, is primarily a medication and hormone) prescribed by your doctor.

Safety

In order to reduce the chances of bee stings when allowing for beekeeping, jurisdictions generally consider the number of hives allowed, the size of the property, the proximity of the hives to neighboring residents, viewing from public rights-of-way, safety signage, water sources, fire safety, beekeeping enclosures, the times of day when disturbing hives, the type of bees kept (e.g., docile versus Africanized), and other factors.

State Regulations

The State and County of San Diego have regulations for the protection of bees to preserve California's agricultural economy. The County Department of Agriculture, Weights, and Measures (AWM) regulates beekeeping for the purposes of disease prevention and containment and for compliance with federal, state, and local regulations. State law requires all beekeepers with any apiaries to register the apiaries annually with the Agricultural Commissioner. Registration is \$10.00 per year for beekeepers with ten or more hives and there are no registration fees if you have nine or fewer hives. Beekeepers who do not register with the Agricultural Commissioner risk state fines of up to \$1,000.

Regulations from San Diego County Jurisdictions

Regulations of nearby jurisdictions address many safety concerns as it relates to beekeeping, however, most San Diego jurisdictions do not have any regulations. A summary of the regulations enforced by the County of San Diego, City of San Diego, City of La Mesa, City of Santee, City of Chula Vista, and National City are included on the following pages.

¹ Stern, Douglas. "Bees & Wasps: Don't Let Them Put the Sting on You!" Stern Environmental Group.

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The County of San Diego

The County of San Diego updated their Bee Ordinance in November 2015. Prior to the update, beekeepers were required to maintain hives at a distance of 100 feet from a road and 600 feet from neighboring dwellings. These distances were established in the 1960's with commercial beekeeping activities in mind and presented a challenge to hobbyist beekeepers that may have wanted to keep bees in their yards, but did not have a large enough property to comply with requirements. The San Diego County Beekeeping Society claimed that past regulations made it difficult for beekeepers to prosper.

The updated County of San Diego Bee Ordinance includes a variety of new regulations. There are specific regulations related to the use of bee smokers. A "Bee Smoker" is an appliance that utilizes smoke or fire used to aid in manipulating or moving of honey bees. The smoker is a common tool amongst beekeepers and can change the flavor of the honey. Beekeepers are required to maintain honey bees in a structure(s) intentionally provided by the beekeepers for honey bee housing. Other regulations include hive registration, a BMP checklist, identification signs, monthly hive inspections, a minimum six foot high flyover barrier, a fresh water supply available to the bees, a vegetation firebreak, firefighting supply requirements, additional inspection requirements, transportation restrictions, and docile bee requirements. The table below outlines the County's remaining beekeeping regulations in detail. For purposes of the tables, sensitive sites include schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, kennels, and horse-boarding facilities.

The County of San Diego Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance from Property Line	Distance from Neighboring Dwellings	Distance to Sensitive Sites
A Hobbyist Beekeeping	1-2	25'	25'	35'	150'
B Small Commercial	3-20	50'	100'	100'	150', if between 3 and 10 colonies. 300' if between 11 and 20 colonies.
C Large Commercial	More than 20	100'	N/A	300'	450'

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The City of San Diego

The City of San Diego also has a robust list of beekeeping regulations. Only docile honey bees are permitted within the City of San Diego and there are also several locational requirements that need to be met. Other regulations include hive registration, identification signs, a minimum six foot high flyover barrier, a fresh water supply available to the bees, a vegetation firebreak, firefighting supply requirements, transportation restrictions, permission from the property owner where the bees are to be kept, the hive cannot be visible from the public right-of-way, beehive opening requirements, requeening requirements, and smoker requirements. A bee smoker is also required. The separation regulations are outlined in the table below.

The City of San Diego Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance from Property Lines	Distance to Neighboring Dwellings
A Hobbyist Beekeeping	2 or fewer	20'	15'	N/A
B Small Commercial	3 or more	100'	N/A	600'

City of La Mesa

The City of La Mesa has specific regulations regarding the placement and transportation of apiaries and separation requirements are outlined in the table below.

The City of La Mesa Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance from Property Line	Distance to Neighboring Dwellings	Distance to Sensitive Sites
N/A	N/A	100'	N/A	600'	N/A

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City of Santee

The City of Santee has placement standards for apiaries and requires that a water source for the bees be placed on-site. Also, apiaries are allowed only on a lot that is two and one-half acres or more. The separation requirements are outlined in the table below.

City of Santee Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance from Property Line	Distance from Neighboring Dwellings	Distance to Sensitive Sites
N/A	N/A	400'	400'	400'	400'

City of Chula Vista

The City of Chula Vista provides that all apiaries be 600 feet from dwellings, but allows them to be closer for research and observation purposes. The separation requirements are outlined in the table below.

City of Chula Vista Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance to Property Line	Distance to Neighboring Dwellings	Distance to Sensitive Sites
N/A	N/A	N/A	N/A	600'	N/A

City of National City

Beekeeping is prohibited through an ordinance in the City of National City. It is declared to be unlawful for any person to keep or maintain any bees or hive of or for bees, or any apiary within the territorial limits of the city.

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City of Lemon Grove Current Beekeeping Regulations

The Lemon Grove Municipal Code contains provisions related to animal keeping, more specifically beekeeping, under its exotic animal provisions (Section 18.16.060(B) Exotic Animals).

The current provisions allow bees only in the City's residential low and low/medium zoning districts which are the single-family residential areas and make up the majority of the City. The provisions require a beekeeping permit, abutting neighbors would be required to be notified, no more than two hives are allowed and a minimum lot size of 10,000 sq. ft. is required. Two additional hives may be allowed on lots that are 15,000 sq. ft. in area. To date, the City has not received nor approved a bee keeping permit for any residence in Lemon Grove nor is there an adopted fee for a permit. The City has similar separation requirements compared to other jurisdictions, but no distance requirements for sensitive sites. The City also has a water availability requirement to keep bees from searching for alternative water sources.

City of Lemon Grove Beekeeping Regulations

Tier	Number of Colonies/ Hives	Distance from Hive to Roadway	Distance to Property Line	Distance to Neighboring Dwellings	Distance to Sensitive Sites
N/A	1 to 2 on lots >10,000 sq. ft. 1 to 4 on lots >15,000 sq. ft.	100'; and 25' from a private access easement	25'	100'	N/A

The current provisions also reference Chapter 6.12 (repealed November 19, 1990) of the Municipal Code. This repealed Chapter actually included specific standards related to apiaries including sign, separation, transportation, firebreak, firefighting material, bee smoker and inspection requirements related to beekeeping similar to other jurisdictions with the same requirements.

Recommended Amendments

Staff recommends that the City Council adopt an ordinance amending the current beekeeping regulations as follows:

- 1) Replace beekeeping permit requirements with a provision that a minor use permit be obtained. This will require property owner permission, allow for a public notice in the paper, a five hundred radius notice to neighboring property owners, conditions of approval, and rights to appeal a decision by the Development Services Director to the City Council. The current deposit for a minor use permit is \$300. The minor use permit also requires that the following findings are made:
 - a. That the use is compatible with the neighborhood or the community;
 - b. That the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
- 2) Add a requirement for firefighting materials near a hive;

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- 3) Add that the types of bee species allowed are required to be docile and nonaggressive;
- 4) Require registration of the apiaries with the County of San Diego Department of Agriculture, Weights, and Measures (currently free for less than 10 apiaries on a site).
- 5) Add the public nuisance provisions of Section 6.04.430 to the general provisions of the City's animal keeping regulations (Section 18.16.020) allowing the City to abate any type of animal keeping if it becomes a public nuisance.
- 6) Correct subsection A under exotic animals to reference Section 6.04.420 instead of 6.04.430. This is incorrectly cited.

Staff considered more stringent separation requirements for sensitive sites such as public and private schools, parks, playgrounds, picnic areas, outdoor sports facilities, daycare centers, residential care facilities, medical facilities, kennels, and horse-boarding facilities. Staff determined that further restrictions could be considered as a part of the minor use permit process and applying such restrictions could restrict future land uses (e.g., a park couldn't open because it's next to an apiary) and restrict sensitive sites from operating an apiary (e.g., a school wants to include beekeeping as a part of a community garden or a medical facility is researching medicine associated with bees). The minor use permit would allow sensitive sites to express their concerns as a part of the appeal process and the application could be denied or amended based on the facts that the apiary is not compatible with the neighborhood due to its proximity to sensitive sites and could be detrimental to the public health and welfare.

Commercial beekeeping would continue to be prohibited since there are no agricultural zones in the City. This would be the appropriate zoning for such use.

Other requirements were considered as a part of the proposed amendments; however, staff felt that the proposed amendments are adequate in providing adequate precautions for the keeping of bees. |

Public Information:

The proposed amendments are found to be categorically exempt from the California Environmental Quality Act referencing Sections 15307 (actions by regulatory agencies for protection of natural resources) and 15308 (actions by regulatory agencies for protection of the environment).

The Notice of Public Hearing for this item was published in the March 24, 2016 edition of the East County Californian.

No formal public comments have been received as of March 30, 2016.

Conclusion:

Staff recommends that the City Council: 1) conduct public hearing, and 2) introduce Ordinance No. 439 approving Zoning Amendment ZA1-600-0001. |

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 18.16 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO THE BEEKEEPING REGULATIONS)

WHEREAS, in early 2015, several citizens spoke in a public hearing about an existing beekeeping activity and a related code enforcement case. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City; and

WHEREAS, at the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. The City Council directed staff to return with a draft beekeeping ordinance that provides comparisons between provisions in the County of San Diego and City of San Diego ordinances; and

WHEREAS, staff analyzed regulations from jurisdictions from across San Diego County and researched bee keeping and associated benefits, risks, and safety precautions; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to provide a permitting process to assure effective provisions of beekeeping; and

WHEREAS, bees are beneficial to society and the city as they provide agriculture, fruit, and garden pollination services; and

WHEREAS, the proposed zoning amendment is found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Section 15307 and 15308); and

WHEREAS, on April 5, 2016, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

Provisions for beekeeping are consistent with General Plan objectives, specifically it helps conserve existing biological habitat, limits impacts on the remaining biological habitat, and increases local food resources.

2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.

The amendment modifies regulations for beekeeping activities to further encourage beekeeping and to ensure appropriate safety measures are taken to benefit the public health, safety and general welfare of the community; and

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

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ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code is exempt from environmental review under sections 15307 and 15308 of the California Environmental Quality Act Guidelines.

SECTION TWO:

Amendments to Chapter 18.16, ANIMAL KEEPING, establishing revised regulations for the keeping of bees, is hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on April 5, 2016.

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EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

In the City of Lemon Grove Municipal Code to amend Animal Keeping Regulations, Chapter 18.16 to read as follows:

Chapter 18.16.020 General provisions [Excerpts only]

K. Public nuisance provisions within section 6.04.430 shall be applicable to animals and insects referenced in this chapter.

Chapter 18.060 Exotic animals, and beekeeping.

A. The keeping of animals considered to be members of a rare and endangered species, exotic or wild animals, including dangerous or poisonous reptiles, shall not be permitted within the city, except as provided in Section ~~6.04.430~~6.04.420 of the Lemon Grove Municipal Code.

B. Beehives may be kept within the residential low and low/medium zoning districts subject to the following:

1. The beekeeper shall apply for a ~~beekeeping~~minor use permit. The permit application shall be filed on a form available in the office of the ~~planning~~development services department and shall be accompanied with a nonrefundable fee or deposit, as established by resolution of the city council.

~~2. Prior to the issuance of a beekeeping permit, the city shall send written notification to the owners and residents of all properties abutting the lot where the bees are to be kept.~~

~~a. The owners and residents of the abutting properties may, within ten days of the date of the notice, file with the planning department a written protest against the issuance of a beekeeping permit.~~

~~b. The only acceptable grounds for protest shall be that a resident of a property which abuts the site of the proposed beekeeping suffers from severe allergic reaction for bee stings. Such allergy and its severity shall be documented by a written statement from a medical practitioner licensed by the state of California.~~

~~c. If the city receives a protest pursuant to this section which included required documentation, no beekeeping permit shall be issued.~~

32. Not more than two beehives shall be permitted on a lot or building site with an area of at least ten thousand square feet. Two additional beehives shall be permitted on a lot with an area of at least fifteen thousand square feet. No more than four beehives shall be permitted on any lot or building site.

~~4. The keeping of bees shall be conducted in accordance with this section and in accordance to the provisions of Chapter 6.12 of the Lemon Grove Municipal Code.~~

53. Beehives shall be placed at least one hundred feet from the exterior line of the traveled way of any public streets, at least twenty-five feet from the exterior line of any private

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access easement, at least twenty-five feet from any side or rear lot line, and at least one hundred feet from any dwelling other than that occupied by the owner of the bees.

~~64.~~ Beekeepers shall keep sufficient open water available near the beehives during hot and dry weather in compliance with vector control regulations.

~~75.~~ Beehives shall be well maintained at all times.

6. Only docile bee species may be permitted.

7. Registration with the County of San Diego Department of Agriculture, Weights, and Measures is required prior to beekeeping activities.

8. The following firefighting materials shall be maintained, in good working condition, at all times when the beehive is attended by the keeper, sufficiently near the beehive so as immediately to be available in case of fire:

a. A shovel; and

b. Either a fire extinguisher of the 2 ½ gallon water-under-pressure type or the 5 gallon back-pump type or its equivalent; or a garden hose connected to a source of water.